

Assembly Bill No. 1864

CHAPTER 88

An act to amend Section 1016 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 10, 2008. Filed with
Secretary of State July 10, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1864, DeVore. Juveniles.

Existing law provides that whenever a person confined in any state institution subject to the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, escapes, or is discharged, or paroled from that institution, and any personal funds or property of that person remains in the hands of the Chief Deputy Secretary for Juvenile Justice, and no demand is made upon the chief deputy by the owner of the funds or property or his or her legally appointed representative, that person's money and property, as specified, remaining in the custody or possession of the chief deputy shall be held for 7 years, as specified.

This bill would instead require the chief deputy to hold those funds or property for 3 years, as specified. This bill would also make technical, nonsubstantive changes to those provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1016 of the Welfare and Institutions Code is amended to read:

1016. (a) Whenever a person confined in a state institution subject to the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, escapes, or is discharged or paroled from the institution, and any personal funds or property of that person remains in the hands of the Chief Deputy Secretary for Juvenile Justice in the Department of Corrections and Rehabilitation, and no demand is made upon the chief deputy secretary by the owner of the funds or property or his or her legally appointed representative, all money and other intangible personal property of that person, other than deeds, contracts, or assignments, remaining in the custody or possession of the chief deputy secretary shall be held by him or her for a period of three years from the date of that escape, discharge, or parole, for the benefit of the person or his or her successors in interest. However, unclaimed personal funds or property of paroled minors may be exempted from the provisions of this section during the period of their

minority and for a period of one year thereafter, at the discretion of the chief deputy secretary.

(b) Upon the expiration of this three-year period, any money and other intangible personal property, other than deeds, contracts or assignments, remaining unclaimed in the custody or possession of the chief deputy secretary shall be subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

(c) Upon the expiration of one year from the date of the escape, discharge, or parole:

(1) All deeds, contracts, or assignments shall be filed by the chief deputy secretary with the public administrator of the county of commitment of that person.

(2) All tangible personal property other than money, remaining unclaimed in his or her custody or possession, shall be sold by the chief deputy secretary at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him or her subject to the provisions of Section 1752.8 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he or she deems it expedient to do so, the chief deputy secretary may accumulate the property of several inmates and may sell the property in lots as he or she may determine, provided that he or she makes a determination as to each inmate's share of the proceeds.

(d) If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the chief deputy secretary to be offered for sale at public auction or upon a sealed-bid basis at a later date, the chief deputy secretary may order it destroyed.